

DRAFT
Zoning Board of Adjustment
Meeting Minutes
December 13, 2016

Members: Steve Filipi, Gretchen Wittenborg, Bob Handy, Jack Ernst, and Alternate Chad Beede seated for Cathy Davis.

Others Present: Lawrence Vincent, applicant, Nancy Vincent (briefly), Susan Silverman, Selectmen's Representative, Shelley Mozier, abutter.

CTO: 7:10 PM

7:00 PM Public hearing case # 11-16: Larry Vincent application for a Special Exception to construct an attached accessory dwelling on property located at 175 NH Route 119 W, Map 31 Lot 6, Residential and Historic Districts.

Filipi called the meeting to order at 7:10 PM and asked Mr. Vincent to present his application to the Board. Vincent said that he is applying for a Special Exception for an Accessory Unit in the garage/workshop attached to the existing house at 175 General Reid Highway owned by himself and his wife. Wittenborg asked why Nancy Vincent had not signed the application as a co-owner. She appeared from hallway, identified herself and signed the application at Filipi's request.

Wittenborg noted that the application says only "Plans to build an accessory apt. in garage" and that there was no description of the proposal, and that the sketch was inadequately detailed and difficult to understand. Among the documents found in the Land Use Office was an apparent sketch of the second floor of the proposed accessory unit which was not received by Board Members prior to the meeting. This was distributed to the Board.

Filipi noted a proposed septic plan designed by Monadnock Septic Design LLC. A readable version of the septic plan was found in the Land Use file and examined by the Board. Filipi noted that the current septic system is a replacement installed in 2000 which would not be permitted today (?) that is a 5' by 8' drywell with a 500 gallon tank sufficient only for a 2 bedroom house. Filipi said that the new septic plan must be filed as the DES now requires a complete application and design for a replacement system, and that a letter of notification for replacement in kind is no longer acceptable. Vincent said that the septic plan had been filed with the State of New Hampshire last week.

Ernst noted that the accessory unit sketch for the first floor would indicate a floor area of approximately 854 square feet of area, larger than the 800 square foot "secondary and incidental" limit set forth in 127-9-(11) and that the sketch of the second floor would add floor space that would result in the floor area of the "accessory unit" exceeding the floor area of the original house.

Handy asked Vincent how much of the work had been done. Vincent stated that the work was done and that both units are occupied, the original house by his daughter who is "house sitting" until he has the place completely finished and that he and his wife can move into the original house. The additional unit is occupied by his niece and nephew and three children. He stated that each unit has three bedrooms. Handy asked if he had occupancy permits and he said that he did not.

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Filipi said that the Board could not grant a Special Exception in this case for a unit that exceeds the floor area for an accessory unit. He also stated that this is a code enforcement problem and that the Board could not act on it as presented.

Filipi asked Vincent if he had had the required fire department inspections done and Vincent said he had not. Vincent said that he had been a contractor in New York State. Filipi asked him how he could believe that he did not need a building permit to do the extensive reconstruction on the property. Vincent replied that as a contractor in New York State he did not need a building permit unless he changed the footprint of the house. Filipi said he was not inclined to find that credible.

Ernst inquired of the Board whether this situation fell into a duplex category. The Board discussed this briefly and determined that there is no definition of duplex in the Ordinance. Filipi suggested that we obtain legal counsel on this question, and requested that Wittenborg do so.

Wittenborg made a motion to continue this case until January 10, 2017 at 7PM for a response to the question regarding duplex (but with the understanding that a Special Exception for Accessory Unit, as presented, cannot be granted by the Board). Handy seconded the motion and it passed unanimously.

The meeting was adjourned at 8:17 PM.